

## **OPERATOR REQUIREMENTS**

**8373**

(Revised September 2001)

The department shall make it clear to all aircraft operators, whether contracted or hired in an emergency, that they shall act in an independent capacity at all times in performance of their services, and not as officers or employees or agents of the State of California.

The contractor will be advised that:

- Flights are contracted, or aircraft hired, for the specific purpose of fire detection, fire reconnaissance, direct attack fire suppression, transportation of personnel, aerial application, aerial photography, or such other activity as the state may deem necessary.
- Flights may be over rough and mountainous terrain at altitudes up to 14,000 feet.
- Airplane landings may be required at airports that are limited in length and may be limited in landing direction.
- Airports may be situated at high elevations.
- Helicopter landings may be required at sites which have had little or no prior preparation, and may be at high elevations.

## **AGRICULTURAL OPERATORS/AIRTANKERS**

**8373.1**

(Revised September 2001)

Operators of fixed or rotary-wing aircraft used as airtankers, helitankers, or for other aerial application of materials shall possess a valid Commercial Agricultural Operator certificate issued by the FAA and shall comply with Part 137 of FAA regulations while engaged in such work for the department.

## **SPRAYING AND PEST CONTROL**

**8373.2**

(Revised September 2001)

Operators must comply with the requirements as stated above in Section 8373.1 and be licensed by the California Department of Food and Agriculture with respect to the category of work to be performed for the department.

## **MINIMUM SAFE ALTITUDE WAIVER**

**8373.3**

(Revised September 2001)

Operators of airtankers and spraying or pest control aircraft shall possess a Certificate of Waiver from the FAA authorizing them to operate in deviation from Part 91.119 of the FAA regulations entitled, "Minimum Safe Altitudes General" while engaged in such work for the department.

**LICENSES****8373.4****(Revised September 2001)**

Operators of aircraft shall possess all required federal, state, or local licenses, certificates, or permits whether or not required herein and shall:

- Comply with all applicable laws, regulations or rules.
- Pay all applicable taxes or fees (except landing fees) incurred through the performance of work for the department.

**INSURANCE POLICY****8373.5****(Revised September 2001)**

While employed by the department, operators shall provide and maintain in effect an insurance policy or policies in accordance with, and with limits of liability not less than required by General Order No. 120-C of the Public Utilities Commission of California.

**WORKERS' COMPENSATION****8373.6****(Revised September 2001)**

Each operator shall possess and maintain in effect a Workers' Compensation insurance policy or policies as required by the Industrial Accident Commission of the State of California for each employee used by the operator while employed by the department.

**SAFETY****8373.7****(Revised September 2001)**

The State shall not expect rules of safety to be compromised to attain an objective. Therefore, the final decision for complying with requests from department officers shall rest with the pilot. When safety is the reason for not completing the mission, the contractor will not be penalized through loss of revenue.

## **COMPENSATION**

**8373.8**

**(Revised September 2001)**

Availability, standby, and flight rate(s) paid by the state, (unless otherwise specifically provided for in the terms of the contract or rental agreement, excluding landing fees) shall include:

- All compensation for aircraft and personnel.
- Operating expenses and maintenance of aircraft.
- Required insurance including Workers' Compensation Insurance.
- Subsistence and housing of contractor and his/her personnel.
- Any costs incurred incidental to his/her use of the designated base airport by his/her aircraft such as: tie-down charges, operating charges, phone calls, fuel, supplies, or materials.
- Any loss, damage, or costs for replacement or repairs to the aircraft caused by its use while under hire by the state is the sole obligation of the contractor.

The sole payment to the contractor for services rendered or described herein shall consist of the sum established as the rental payment.

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